Tuberculosis * * * Directions * * * to relieve pain such as Toothache, Tabetic Pains."

On October 8, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17781. Adulteration and misbranding of sweet spirits of niter, spirits of camphor, tincture nux vomica, tincture cinchona, elixir calisaya, and elixir calisaya with iron. U. S. v. Herman Halpern (Standard Drug Co.). Plea of guilty. Fine, $300 (F. & D. No. 25026. I. S. Nos. 2841–x, 2842–x, 03632, 03634, 021319, 021320.)

Samples of drugs from the herein-described interstate shipments having been found to differ from standards prescribed by the United States Pharmacopoeia and the National Formulary, the Secretary of Agriculture reported the matter to the United States attorney for the District of New Jersey.

On September 5, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid an information against Herman Halpern, trading as the Standard Drug Co., Newark, N. J., alleging shipment by said defendant in violation of the food and drugs act, on or about January 9, 1928, from the State of New Jersey into the State of Missouri, of quantities of sweet spirits of niter and spirits of camphor; on or about August 24, 1928, from the State of New Jersey into the State of Pennsylvania, of quantities of elixir calisaya and elixir calisaya with iron; and on or about November 7, 1928, from the State of New Jersey into the State of Connecticut, of quantities of tincture nux vomica and tincture cinchona, which said drugs were adulterated and misbranded. The articles were labeled in part: "Standard Drug Company, Pharmaceutical Chemists, Newark, New Jersey." The labels bore further statements as hereinafter set forth.

Adulteration was alleged in the information with respect to the following drugs for the reason that they were sold under names recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the tests laid down in said pharmacopoeia official at the time of investigation, viz: The sweet spirits of niter was a solution of ethyl nitrite in a mixture of ethyl alcohol and isopropyl alcohol, whereas the pharmacopoeia provided that it should be an alcoholic solution of ethyl nitrite, namely, a solution of ethyl nitrite in ethyl alcohol; the spirits of camphor was a solution of camphor in a mixture of ethyl alcohol and isopropyl alcohol, whereas said pharmacopoeia provided that it should be an alcoholic solution of camphor, namely, a solution of camphor in ethyl alcohol. The tincture nux vomica yielded not more than 0.195 gram of the alkaloids of nux vomica per 100 cubic centimeters, whereas the pharmacopoeia provided that tincture nux vomica should yield not less than 0.237 gram of the alkaloids of nux vomica per 100 cubic centimeters, and the standard of strength, quality, and purity of the article was not declared on the container. The tincture cinchona yielded not more than 0.683 gram of the alkaloids of cinchona per 100 cubic centimeters, whereas the said pharmacopoeia provided that tincture cinchona should yield not less than 0.8 gram of the alkaloids of cinchona per 100 cubic centimeters, and the standard of strength, quality, and purity of the article was not declared on the container. Adulteration of the said sweet spirits of niter, spirits of camphor, tincture nux vomica, and tincture cinchona was alleged for the further reason that the strength and purity of the articles fell below the professed standard and quality under which they were sold, in that they were represented as conforming to the pharmacopoeial standard, whereas they did not; the sweet spirits of niter was represented to contain 92 per cent of alcohol, whereas it contained not more than 86 per cent; and the spirits of camphor was represented to contain 90 per cent of alcohol, whereas it contained not more than 84.4 per cent. Adulteration of the elixir calisaya and elixir calisaya with iron was alleged for the reason that they were sold under and by names recognized in the National Formulary and differed from the standard of strength, quality, and purity as determined by the tests laid down in said formulary official at the time of investigation, viz: The said elixir calisaya contained more than 4 grams, namely, not less than 5.08 grams of cinchona alkaloids per 1,000 cubic centimeters, whereas the said formulary provided that elixir calisaya (Elixir Cinchonae Alkaloids) should contain not more than 2 grams of quinine sulphate, 1 gram of cinchonidine sulphate and 1 gram of cinchonine sulphate, or a total of 4 grams of cinchona alkaloid sulphates per 1,000 cubic centimeters; the said elixir calisaya with iron

contained more than 3.76 grams, namely, not less than 4.61 grams of cinchona alkaloid sulphates per 1,000 cubic centimeters, whereas the said formulary provided that elixir calisaya with iron (Elixir Cinchonae Alkaloids with Iron N. F.) should contain 940 cubic centimeters of the elixir of cinchona alkaloids N. F. per 1,000 cubic centimeters, that is, 3.76 grams of cinchona alkaloid sulphates per 1,000 cubic centimeters; and the standard of strength, quality, and purity of the articles was not declared on the containers thereof.

Misbranding was alleged for the reason that the following statements borne on the labels of the respective articles were false and misleading: "Sweet Spirit of Nitre (Spirit of Nitrous Ether U. S. P.) alcohol 92%;" "Spirit of Camphor (Spiritus Camphorae U. S. P.) alcohol 90%;" "Tincture Nux Vomica U. S. P.;" "Tincture Cinchona U. S. P.;" "Elixir Cinchonae Alkaloids N. F." (with respect to the said elixir calisaya); and "Elixir Calysaya With Iron (Elixir Cinchonae Alkaloids With Iron N. F." Misbranding was alleged with respect to the said sweet spirits of niter and spirits of camphor for the further reason that the articles contained isopropyl alcohol and the labels failed to bear a statement of the quantity or proportion of isopropyl alcohol contained therein; and for the further reason that they contained alcohol and the labels failed to bear a statement of the quantity or proportion of alcohol contained therein.

On September 29, 1930, the defendant entered a plea of guilty to the information and the court imposed a fine of $300.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17782. Adulteration and misbranding of Boracetine. U. S. v. 2½ Dozen Bottles, et al., of Boracetine. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24851. I. S. No. 034924. S. No. 3196.)

Examinations of samples of a drug product, known as Boracetine, from the herein-described interstate shipment having shown that the article was not antiseptic, and that the labels bore claims of curative properties that the article did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Missouri.

On June 21, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 2½ dozen small-sized bottles, 5 dozen medium-sized bottles, and 2½ dozen large-sized bottles of Boracetine, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by F. E. Barr & Co., from Chicago, Ill., in 2 consignments, on or about March 6, 1930, and May 2, 1930, respectively, and had been transported from the State of Illinois into the State of Missouri, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of sodium bicarbonate, sodium borate, potassium chlorate, volatile oils including thymol, menthol, eucalyptol, and cassia oil, alcohol, and water. Bacteriological examination showed that the article was not antiseptic.

It was alleged in the libel that the article was adulterated in that it was sold under the following standard of strength, (carton and bottle labels) "Antiseptic," whereas the strength of the article fell below such professed standard, since it was not antiseptic.

Misbranding was alleged for the reason that the following statements appearing upon the bottle label and in the accompanying circular, were false and misleading: (Bottle) "Boracetine will destroy all germ life without injury to the most delicate tissue. Seventy-five per cent of all sickness is caused from germs entering the body through the mouth, throat and nose. Destroy the germs by using Boracetine twice daily as a mouth, throat and nose wash and prevent sickness;" (circular) "Bacteria found in the mouth and throat will not develop or cause infections in alkaline mouths. Stop the fermentation and you remove the source and cause of innumerable ills. Boracetine Antiseptic Stops Fermentation Instantly. * * * The antiseptic, analgesic, and healing properties, together with the pleasant taste, have made hundreds of thousands of constant users of Boracetine. It has been proven on authority that it will kill the organisms causing such diseases as Influenza, Pneumonia, Typhoid, Diphtheria, Sore Throat and Common Colds. Boracetine is an instantaneous deodorant, controlling all offensive odors of the mouth and their causes. The teeth decay from lack of care in most cases. The use of Boracetine will kill the destructive agents that cause acid mouth, tartar, and film;" (cover of